

ORIGINAL



0000173268

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED  
AZ CORP COMMISSION  
DOCKET CONTROL

**COMMISSIONERS**

2016 SEP -9 P 4: 52

DOUG LITTLE - CHAIRMAN  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY  
FOR A HEARING TO DETERMINE THE  
FAIR VALUE OF THE UTILITY PROPERTY  
OF THE COMPANY FOR RATEMAKING  
PURPOSES, TO FIX A JUST AND  
REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP  
SUCH RETURN.

DOCKET NO. E-01345A-16-0036

Arizona Corporation Commission

**DOCKETED**

SEP 09 2016

DOCKETED BY

*Handwritten signature*

IN THE MATTER OF FUEL AND  
PURCHASED POWER PROCUREMENT  
AUDITS FOR ARIZONA PUBLIC SERVICE  
COMPANY

DOCKET NO. E-01345A-16-0123

**MOTION TO SEVER**

Arizona Public Service Company ("APS" or the "Company") respectfully requests that the subpoenas Commissioner Burns filed under this docket on August 25, 2016, and related filings, be severed from Docket E-01345A-16-0123 (the "APS Rate Case Docket").

The APS Rate Case Docket was opened on January 29, 2016, when APS gave notice of its intent to file an application for the establishment of just and reasonable rates. On June 1, 2016, APS filed its application to set rates, its first rate case in five years.

On August 25, 2016, Commissioner Burns filed his subpoenas in the APS Rate Case Docket, even though a docket concerning the content and issues raised in the subpoenas already exists, and has attracted intervenors interested in those topics. On the same date as this Motion to Sever, APS is filing before the Commission a Motion to Quash the subpoenas. The

OSBORN  
MALEDON

A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

1 subpoenas, the Motion to Quash, and any related filings should be severed from the APS Rate  
2 Case Docket because they have no inherent connection to APS's rate case, and consideration of  
3 the subpoenas will unduly expand and broaden what is already a complex, resource-intensive  
4 proceeding.

5 As shown on the docket, APS's rate case application has drawn a large number of  
6 intervenors and comments from the public. The massive amount of discovery that occurs in  
7 APS rate cases has already begun in this rate case, and this fact-finding process will only  
8 become more complex and intricate. Layering litigation regarding Commissioner Burns's  
9 subpoena on top of this discovery process, as well as the motion practice and other procedural  
10 issues that might arise during the rate case, would expand the issues in this proceeding and  
11 undermine the orderly and timely processing of the rate case. As discussed in the Motion to  
12 Quash, the bulk of information sought in the subpoena is irrelevant to the pending rate case.  
13 The APS Rate Case Docket concerns APS's application for the setting of rates based on a 2015  
14 test year; the subpoena, however, seeks information from 2011-2016. Moreover, the subpoenas  
15 seek information from Pinnacle West Capital Corporation, APS's parent company, which is not  
16 a party to APS's rate case. Like the pursuit of information regarding non-Test Year periods,  
17 the pursuit of information from Pinnacle West would unduly expand these issues.

18 Severing would allow the Commission to deal with the subpoenas and any related  
19 litigation in an efficient manner without negatively impacting its administration of the rate case.

20 Accordingly, to promote the efficient administration of both the rate case and the  
21 subpoena, APS respectfully requests that Commissioner Burns's August 25 subpoena, APS's  
22 Motion to Quash, and any related proceedings be severed from the APS Rate Case Docket and  
23 be moved to a separate docket, or to Docket No. AU-00000A-15-0309.

1 DATED this 9th day of September, 2016.

2 ARIZONA PUBLIC SERVICE COMPANY

3 By Mary O'Grady  
4 Mary R. O'Grady  
5 Joseph N. Roth  
6 Osborn Maledon, P.A.  
7 2929 North Central Avenue, 21st Floor  
8 Phoenix, Arizona 85012-2793  
9 mogrady@omlaw.com  
jroth@omlaw.com

Attorneys for Arizona Public Service Company

10 Original and 13 copies of the foregoing  
11 filed this 9th day of September, 2016, with:

12 Docket Control  
13 Arizona Corporation Commission  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007

16 Copies of the foregoing hand-delivered/mailed/e-mailed  
17 this 9<sup>th</sup> day of September, 2016, to:

18 Teena Jibilian,  
19 Administrative Law Judge  
20 Hearing Division  
21 Arizona Corporation Commission  
22 400 West Congress  
23 Tucson, Arizona 85701

24 Maureen Scott  
25 Legal Division  
26 Arizona Corporation Commission  
27 1200 West Washington Street  
28 Phoenix, Arizona 85007

Thomas Broderick, Director  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

1 Thomas A. Loquvam  
2 Thomas L. Mumaw  
3 Melissa M. Krueger  
4 Pinnacle West Capital Corporation  
5 P.O. Box 53999, MS 8695  
6 Phoenix, AZ 85072

7 C. Webb Crockett  
8 Patrick Black  
9 Fennemore Craig, PC  
10 2394 East Camelback Road, Suite 600  
11 Phoenix, Arizona 85016  
12 [wcrockett@fclaw.com](mailto:wcrockett@fclaw.com)  
13 [pblack@fclaw.com](mailto:pblack@fclaw.com)  
14 [khiggins@energystrat.com](mailto:khiggins@energystrat.com)

**Consented To Service By Email**

15 Greg Eisert, Director  
16 Steven Puck, Director  
17 Government Affairs  
18 Sun City Homeowners Association  
19 [gregeisert@gmail.com](mailto:gregeisert@gmail.com)  
20 [steven.puck@cox.net](mailto:steven.puck@cox.net)

**Consented To Service By Email**

21 Timothy M. Hogan  
22 Arizona Center for Law in the Public Interest  
23 202 E. McDowell Road, Suite 153  
24 Phoenix, Arizona 85004  
25 [thogan@aclpi.org](mailto:thogan@aclpi.org)  
26 [ken.wilson@westernresources.org](mailto:ken.wilson@westernresources.org)  
27 [schlegelj@aol.com](mailto:schlegelj@aol.com)  
28 [ezuckerman@swenergy.org](mailto:ezuckerman@swenergy.org)  
[bbaatz@aceee.org](mailto:bbaatz@aceee.org)  
[briana@votesolar.org](mailto:briana@votesolar.org)

**Consented To Service By Email**

22 Meghan H. Grabel  
23 Osborn Maledon, PA  
24 2929 North Central Avenue  
25 Phoenix, Arizona 85012  
26 [mgrabel@omlaw.com](mailto:mgrabel@omlaw.com)  
27 [gyaquinto@arizonaic.org](mailto:gyaquinto@arizonaic.org)

**Consented To Service By Email**

26 Patricia Ferre  
27 P.O. Box 433  
28 Payson, Arizona 85547

1 Richard Gayer  
2 526 W. Wilshire Drive  
3 Phoenix, Arizona 85003  
4 rgayer@cox.net  
5 **Consented To Service By Email**  
6  
7 Warren Woodward  
8 55 Ross Circle  
9 Sedona, Arizona 86336  
10 w6345789@yahoo.com  
11 **Consented To Service By Email**  
12  
13 Anthony L. Wanger  
14 Alan L. Kierman  
15 Brittany L. DeLorenzo  
16 IO Data Centers, LLC  
17 615 North 48<sup>th</sup> Street  
18 Phoenix, Arizona 85008  
19  
20 Craig A. Marks  
21 Craig A. Marks, PLC  
22 10645 N. Tatum Blvd., Suite 200-676  
23 Phoenix, Arizona 85028  
24 craig.marks@azbar.org  
25 pat.quinn47474@gmail.com  
26 **Consented to Service by Email**  
27  
28 Albert Gervenack  
Rob Robbins  
Sun City West Property Owners & Residents Association  
13815 Camino Del Sol  
Sun City West, Arizona 85375  
Al.gervenack@porascw.org  
Rob.robbsins@porascw.org  
**Consented to Service by Email**  
Tom Harris, Chairman  
AriSEIA  
2122 W. Lone Cactus Dr., Suite 2  
Phoenix, AZ 85027  
Tom.harris@ariseia.org  
**Consented to Service by Email**  
Cynthia Zwick  
Arizona Community Action Association  
2700 North 3<sup>rd</sup> Street, Suite 3040  
Phoenix, Arizona 85004

1 Daniel W. Pozefsky  
2 Chief Counsel  
3 Residential Utility Consumer Office  
4 1110 West Washington, Suite 220  
5 Phoenix, AZ 85007  
6  
7 Jason Y. Moyes  
8 Jay I. Moyes  
9 Moyes Sellers & Hendricks  
10 1850 N. Central Ave., Suite 1100  
11 Phoenix, Arizona 85004  
12 [jasonmoyes@law-msh.com](mailto:jasonmoyes@law-msh.com)  
13 [jim@harcuvar.com](mailto:jim@harcuvar.com)  
14 [jimoyes@law-msh.com](mailto:jimoyes@law-msh.com)  
15 **Consented To Service By Email**  
16  
17 Kurt J. Boehm  
18 Jody Kyler Cohn  
19 Boehm, Kurtz & Lowry  
20 36 E. Seventh Street, Suite 1510  
21 Cincinnati, OH 45202  
22  
23 John William Moore, Jr.  
24 1321 North 16<sup>th</sup> Street  
25 Phoenix, AZ 85020  
26  
27 Charles Wesselhoft, Deputy County Attorney  
28 Pima County Attorneys' Office  
32 North Stone Ave., Suite 2100  
Tucson, Arizona 85701  
[Charles.Wesselhoft@pcao.pima.gov](mailto:Charles.Wesselhoft@pcao.pima.gov)  
**Consented To Service By Email**  
Giancarlo G. Estrada  
Kamper Estrada, LLP  
3030 N. 3<sup>rd</sup> Street, Suite 770  
Phoenix, AZ 85012  
Court S. Rich  
Rose Law Group pc  
7144 E. Stetson Dr., Suite 300  
Scottsdale, AZ 85251  
Scott Wakefield  
Hienton & Curry, PLLC  
5045 N 12th Street, Suite 110  
Phoenix, Arizona 85014-3302

1 swakefield@hclawgroup.com

2 mlougee@hclawgroup.com

3 stephen.chriss@wal-mart.com

4 greg.tillman@wal-mart.com

5 chris.hendrix@wal-mart.com

6 **Consented To Service By Email**

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
